

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION  
OPIATE LITIGATION

This document relates to:

*“Track One-B and Track Three Cases”*<sup>1</sup>

**MDL No. 2804  
Case No. 17-md-2804  
Judge Dan Aaron Polster**

**JOINT MOTION FOR ORDER ESTABLISHING REMOTE DEPOSITION PROTOCOL  
IN TRACK ONE-B AND TRACK THREE CASES DUE TO COVID-19**

Plaintiffs and Pharmacy Defendants jointly move the Court to enter the proposed Order Establishing Remote Deposition Protocol Due to COVID-19, attached as Exhibit A. In support of this Motion, the parties state as follows:

1. The parties have conferred and reached agreement on the remote deposition protocol for Track One-B and Track Three cases.
2. Pursuant to a request by email from Special Master Cohen on July 17, 2020, the parties submit this Motion and proposed Order.

---

<sup>1</sup> Track One-B cases are *County of Summit, Ohio et al. v. Purdue Pharma, L.P. et al.*, Case No. 1:18-op-45090 (N.D. Ohio) and *County of Cuyahoga v. Purdue Pharma, L.P. et al.*, Case No. 17-op-45004 (N.D. Ohio). Track Three cases are *County of Lake, Ohio v. Purdue Pharma, L.P. et al.*, Case No. 1:18-op-45032 (N.D. Ohio) and *County of Trumbull, Ohio v. Purdue Pharma, L.P. et al.*, Case No. 1:18-op-45079 (N.D. Ohio).

DATED: August 12, 2020

Respectfully submitted,

/s/ Tara A. Fumerton

Tina M. Tabacchi

Tara A. Fumerton

JONES DAY

77 West Wacker

Chicago, IL 60601

Phone: (312) 269-4335

Fax: (312) 782-8585

E-mail: [tfumerton@jonesday.com](mailto:tfumerton@jonesday.com)

*Attorneys for Walmart Inc.*

/s/ Alexandra W. Miller (consent)

Alexandra W. Miller

Eric R. Delinsky

Zuckerman Spaeder LLP

1800 M Street, NW

Suite 1000

Washington, DC 20036

Phone: (202) 778-1800

Fax: (202) 822-8106

E-mail: [smiller@zuckerman.com](mailto:smiller@zuckerman.com)

E-mail: [edelinsky@zuckerman.com](mailto:edelinsky@zuckerman.com)

*Attorneys for CVS Pharmacy, Inc. and Ohio  
CVS Stores L.L.C.*

/s/ Timothy D. Johnson (consent)

Timothy D. Johnson

Gregory E. O'Brien

CAVITCH FAMLO & DURKIN, CO. LPA

1300 East Ninth Street – 20th Fl.

Cleveland, OH 44114

Phone: (216) 621-7860

Fax: (216) 621-3415

E-mail: [tjohnson@cavitch.com](mailto:tjohnson@cavitch.com)

*Attorneys for Discount Drug Mart, Inc.*

/s/ Robert M. Barnes (consent)

Robert M. Barnes  
Scott D. Livingston  
Joshua A. Kobrin  
MARCUS & SHAPIRA, LLP  
35th Floor, One Oxford Centre  
301 Grant Street  
Pittsburgh, PA 15219  
Phone: (412) 471-3490  
Fax: (412) 391-8758  
E-mail: [rbarnes@marcus-shapira.com](mailto:rbarnes@marcus-shapira.com)  
E-mail: [livingston@marcus-shapira.com](mailto:livingston@marcus-shapira.com)  
E-mail: [kobrin@marcus-shapira.com](mailto:kobrin@marcus-shapira.com)

*Attorneys for Giant Eagle, Inc., and HBC  
Service Company*

/s/ Kelly A. Moore (consent)

Kelly A. Moore  
MORGAN, LEWIS & BOCKIUS LLP  
101 Park Avenue  
New York, NY 10178  
Phone: (212) 309-6612  
Fax: (212) 309-6001  
E-mail: [kelly.moore@morganlewis.com](mailto:kelly.moore@morganlewis.com)

John P. Lavelle, Jr.  
MORGAN, LEWIS & BOCKIUS LLP  
1701 Market Street  
Philadelphia, PA 19103  
Phone: (215) 963-4824  
Fax: (215) 963-5001  
E-mail: [john.lavelle@morganlewis.com](mailto:john.lavelle@morganlewis.com)

*Attorneys for Rite Aid Hdqtrs. Corp.,  
Rite Aid of Ohio, Inc., Rite Aid of Maryland,  
Inc. and Eckerd Corp. d/b/a Rite Aid  
Liverpool Distribution Center*

/s/ Kaspar Stoffelmayr (consent)

Kaspar Stoffelmayr  
Katherine M. Swift  
BARTLIT BECK LLP  
54 West Hubbard Street  
Chicago, IL 60654  
Phone: (312) 494-4400

Fax: (312) 494-4440

E-mail: [kaspar.stoffelmayr@bartlitbeck.com](mailto:kaspar.stoffelmayr@bartlitbeck.com)

E-mail: [kate.swift@bartlitbeck.com](mailto:kate.swift@bartlitbeck.com)

*Attorneys for Walgreen Co. and Walgreen Eastern Co.*

/s/ Paul J. Hanly, Jr. (consent)

Paul J. Hanly, Jr.

SIMMONS HANLY CONROY

112 Madison Avenue, 7th Floor

New York, NY 10016

(212) 784-6400

(212) 213-5949 (fax)

[phanly@simmonsfirm.com](mailto:phanly@simmonsfirm.com)

Joseph F. Rice

MOTLEY RICE LLC

28 Bridgeside Blvd.

Mt. Pleasant, SC 29464

(843) 216-9000

(843) 216-9290 (Fax)

[jrice@motleyrice.com](mailto:jrice@motleyrice.com)

Paul T. Farrell, Jr., Esq.

FARRELL LAW

422 Ninth Street

Huntington, WV 25701

(304) 654-8281

[paul@farrell.law](mailto:paul@farrell.law)

*Plaintiffs' Co-Lead Counsel*

/s/ Peter H. Weinberger (consent)

Peter H. Weinberger (0022076)

SPANGENBERG SHIBLEY & LIBER

1001 Lakeside Avenue East, Suite 1700

Cleveland, OH 44114

(216) 696-3232

(216) 696-3924 (Fax)

[pweinberger@spanglaw.com](mailto:pweinberger@spanglaw.com)

*Plaintiffs' Liaison Counsel*

/s/ Frank Gallucci (consent)

Frank Gallucci

PLEVIN & GALLUCCI COMPANY,  
L.P.A.

55 Public Square, Suite 222  
Cleveland, OH 44113  
(216) 861-0804  
(216) 861-5322 (Fax)  
FGallucci@pglawyer.com

Hunter J. Shkolnik  
NAPOLI SHKOLNIK  
360 Lexington Ave., 11th Floor  
New York, NY 10017  
(212) 397-1000  
(646) 843-7603 (Fax)  
hunter@napolilaw.com

*Counsel for Plaintiffs Lake County and  
Trumbull County, Ohio*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Joint Motion for Order Establishing Remote Deposition Protocol in Track One-B and Track Three Cases Due to COVID-19 was filed electronically this 12th day of August 2020. Notice of this filing will be sent by operation of the Court's electronic filing system to counsel of record for all parties as indicated on the electronic filing receipt. Parties and their counsel may access this filing through the Court's system.

/s/ Tara A. Fumerton  
Tara A. Fumerton  
*Counsel for Defendant Walmart Inc.*